



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4948

Introduced 1/19/2006, by Rep. Eddie Washington

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Municipal Code with respect to traffic stop statistical studies. Provides that if a local law enforcement agency neglects or fails to transmit its statistical data in a timely manner or neglects or fails to accurately compile and submit data, then the Department of Transportation shall impose an administrative fine against the local law enforcement agency in an amount to be determined by the Department, by rule, with the amount of the fine based on the population of the jurisdiction of the local law enforcement agency. The amounts collected as fines shall be deposited into the Traffic and Criminal Conviction Surcharge Fund to be used by the Illinois Law Enforcement Training Standards Board to provide racial and ethnic sensitivity training to law enforcement personnel. Effective immediately.

LRB094 18292 HLH 53603 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning law enforcement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-212 as follows:

6 (625 ILCS 5/11-212)

7 Sec. 11-212. Traffic stop statistical study.

8 (a) From January 1, 2004 until December 31, 2007, whenever
9 a State or local law enforcement officer issues a uniform
10 traffic citation or warning citation for an alleged violation
11 of the Illinois Vehicle Code, he or she shall record at least
12 the following:

13 (1) the name, address, gender, and the officer's
14 subjective determination of the race of the person stopped;
15 the person's race shall be selected from the following
16 list: Caucasian, African-American, Hispanic, Native
17 American/Alaska Native, or Asian/Pacific Islander;

18 (2) the alleged traffic violation that led to the stop
19 of the motorist;

20 (3) the make and year of the vehicle stopped;

21 (4) the date and time of the stop;

22 (5) the location of the traffic stop;

23 (6) whether or not a search contemporaneous to the stop
24 was conducted of the vehicle, driver, passenger, or
25 passengers; and, if so, whether it was with consent or by
26 other means; and

27 (7) the name and badge number of the issuing officer.

28 (b) From January 1, 2004 until December 31, 2007, whenever
29 a State or local law enforcement officer stops a motorist for
30 an alleged violation of the Illinois Vehicle Code and does not
31 issue a uniform traffic citation or warning citation for an
32 alleged violation of the Illinois Vehicle Code, he or she shall

1 complete a uniform stop card, which includes field contact
2 cards, or any other existing form currently used by law
3 enforcement containing information required pursuant to this
4 Act, that records at least the following:

5 (1) the name, address, gender, and the officer's
6 subjective determination of the race of the person stopped;
7 the person's race shall be selected from the following
8 list: Caucasian, African-American, Hispanic, Native
9 American/Alaska Native, or Asian/Pacific Islander;

10 (2) the reason that led to the stop of the motorist;

11 (3) the make and year of the vehicle stopped;

12 (4) the date and time of the stop;

13 (5) the location of the traffic stop;

14 (6) whether or not a search contemporaneous to the stop
15 was conducted of the vehicle, driver, passenger, or
16 passengers; and, if so, whether it was with consent or by
17 other means; and

18 (7) the name and badge number of the issuing officer.

19 (c) The Illinois Department of Transportation shall
20 provide a standardized law enforcement data compilation form on
21 its website.

22 (d) Every law enforcement agency shall, by March 1 in each
23 of the years 2004, 2005, 2006, and 2007, compile the data
24 described in subsections (a) and (b) on the standardized law
25 enforcement data compilation form provided by the Illinois
26 Department of Transportation and transmit the data to the
27 Department. If a local law enforcement agency neglects or fails
28 to transmit its data in a timely manner or neglects or fails to
29 accurately compile and submit data, then the Department of
30 Transportation shall impose an administrative fine against the
31 local law enforcement agency in an amount to be determined by
32 the Department, by rule, with the amount of the fine based on
33 the population of the jurisdiction of the local law enforcement
34 agency. The amounts collected as fines shall be deposited into
35 the Traffic and Criminal Conviction Surcharge Fund to be used
36 by the Illinois Law Enforcement Training Standards Board to

1 provide racial and ethnic sensitivity training to law
2 enforcement personnel.

3 (e) The Illinois Department of Transportation shall
4 analyze the data provided by law enforcement agencies required
5 by this Section and submit a report of the findings to the
6 Governor, the General Assembly, and each law enforcement agency
7 no later than July 1 in each of the years 2005, 2006, 2007, and
8 2008. The Illinois Department of Transportation may contract
9 with an outside entity for the analysis of the data provided.
10 In analyzing the data collected under this Section, the
11 analyzing entity shall scrutinize the data for evidence of
12 statistically significant aberrations. The following list,
13 which is illustrative, and not exclusive, contains examples of
14 areas in which statistically significant aberrations may be
15 found:

16 (1) The percentage of minority drivers or passengers
17 being stopped in a given area is substantially higher than
18 the proportion of the overall population in or traveling
19 through the area that the minority constitutes.

20 (2) A substantial number of false stops including stops
21 not resulting in the issuance of a traffic ticket or the
22 making of an arrest.

23 (3) A disparity between the proportion of citations
24 issued to minorities and proportion of minorities in the
25 population.

26 (4) A disparity among the officers of the same law
27 enforcement agency with regard to the number of minority
28 drivers or passengers being stopped in a given area.

29 (5) A disparity between the frequency of searches
30 performed on minority drivers and the frequency of searches
31 performed on non-minority drivers.

32 (f) Any law enforcement officer identification information
33 or driver identification information that is compiled by any
34 law enforcement agency or the Illinois Department of
35 Transportation pursuant to this Act for the purposes of
36 fulfilling the requirements of this Section shall be

1 confidential and exempt from public inspection and copying, as
2 provided under Section 7 of the Freedom of Information Act, and
3 the information shall not be transmitted to anyone except as
4 needed to comply with this Section. This Section shall not
5 exempt those materials that, prior to the effective date of
6 this amendatory Act of the 93rd General Assembly, were
7 available under the Freedom of Information Act.

8 (g) Funding to implement this Section shall come from
9 federal highway safety funds available to Illinois, as directed
10 by the Governor.

11 (h) The Illinois Department of Transportation, in
12 consultation with law enforcement agencies, officials, and
13 organizations, including Illinois chiefs of police, the
14 Department of State Police, the Illinois Sheriffs Association,
15 and the Chicago Police Department, and community groups and
16 other experts, shall undertake a study to determine the best
17 use of technology to collect, compile, and analyze the traffic
18 stop statistical study data required by this Section. The
19 Department shall report its findings and recommendations to the
20 Governor and the General Assembly by March 1, 2004.

21 (Source: P.A. 93-209, eff. 7-18-03.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.